AN

ESSAY

TOWARDS

The Deciding of the ſo much, and ſo long Controverted CASE

OF

USURY.

IN

A Problematical Paradox, diſcuſſed, whether it be lawful (and not rather ſinful) for any man to Borrow, meerly to encreaſe his Wealth.

As alſo, ſome Animadverſions upon the Reſolution of the Caſe of Uſury, by a Reverend, and very Learned Doctor.

By *D. C.*

Prov. 28. 8. *He that by uſury and unjuſt gain encreaſeth his ſubſtance, he ſhall gather it for him that will pity the poor.*

Pſal. 15. 1, 5. *Lord, who ſhall abide in thy Tabernacle? who ſhall dwell in thy holy Hill? He that putteth not out his money to uſury.*

Luk. 6. 35. *Do good and lend, looking for nothing again; and your reward ſhall be great, &c.*

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TO THE
Conſciencious READER.

WHat my Judgement formerly was? and now is, concerning the Caſe propounded, I ſhall not much ſcruple to diſcover to the *Reader*, to the World: whiles I was young and low in Eſtate, not furniſhed with *Tools* for the Trade of *Uſury* (though I bleſs God, as I had no ability to *Lend*, ſo had I no great need to *Borrow*) I was in my Judgement againſt all *Uſury*, (as I believe, moſt in that condition are: none but either *Prodigals* or *Proud* perſons, would borrow upon *Uſury*, if they might borrow freely:) but when, by the bleſſing of God, I came to be *Maſter* of a little Money lying by me, new thoughts, or rather *temptations* began to moleſt me; For on the one ſide, I thought a *Talent*, though little, ſhould not lye idle, but be improved: on the other, I was told by ſome *Caſuiſts*, that amongſt other perſons, *Uſury* was permitted to *Miniſters* or *Scholars*, who are not allowed, or want *skill* to drive any ſecular

Trade: and by ſome not meanly both learned, and *pious* men, that to lend to *wealthy* men, leaving it free to the Borrower, to give what profit he pleaſe, without any *compact*, was very lawful: Hereupon I was too eaſily perſwaded to venture on this way, yet but a *little*, and for a *little time*; for finding ſo much ſaid againſt *Uſury* in Scripture, and by men of all Nations and Profeſſions, I could not ſatisfie my Conſcience with the way: and therefore I recall'd my *Money*, with the loſs of the *Uſury*, or Gain offered me. This put me upon further ſtudy of the *Caſe*, which, at vacant times from other more neceſſary buſineſſes of my calling, I have more or leſs, proſecuted, I think well nigh theſe thirty years paſt; and after all the *diſquiſition* I could make, have not found, where to fix the foot of my *Conſcience*, for the lawfulneſs of it: but rather, by the *weakneſs* of the Arguments for it; the nicety of the diſtinctions upon it, and the multitude of *Cautions* about it, very difficult, if not impoſſible to be duely obſerved, I thought it rather unlawful, or at leaſt ſo *doubtful*, that I took the ſafer way; as not to borrow without great need, ſo nor to lend to any that needed not (no not without *Uſury*) unleſs in *Caſes* hereafter *cautioned*, in the Probleme it ſelf.

All that hath been ſaid hitherto, by learned and pious men, (as I have obſerved) againſt *lending upon Uſury*, hath not made ſcarce one profeſſed *Uſurer* leſs; but rather confirmed ſome, and increaſed more, by their *condeſcenſions* in the *Caſe*: For whilſt they yeeld, Uſury in ſome Caſes, may lawfully be taken of the rich, as 1. in caſe of *loſs* of gain the *Lender* might have made, had his Money been

Lucrum ceſſans, aut damnum emergens.

in

in his own hand (to say nothing of the *gain* of loss, for want of his Money.) And 2. when the rich Borrower gains by the use of the Money: now reason will come in, and plead, *Usury* is very equitable: as being injurious to neither party. But they do not consider, that these *Cautions* may be as equitable, when they lend to a *needier* man: for as on the one side, he may get gain by the borrowed; so on the other, the *Lender* may sustain *loss*, whiles another hath his Money: and so all *Usury* almost, may be lawful. But of this more in a more proper place.

So much labor then being lost upō the *Lenders*, we must try, whether we can prevail any better, with the *Borrowers*: for if there were no Borrowers upon Usury, there would be no Lenders: and contrarily, if there were no Lenders upon Usury, there could be no Borrowers; and till mens *Consciences* be convinced of the unlawfulness of Usury, both in taking and giving, and in *giving*, as well (though perhaps not so much) as in *taking*; it will be impossible to suppress *Usury*, or to regulate them in the Case. For let *States* make what Laws they can, against *Usury*, either wholly to suppress it, or to *confine* and limit it, *Usurers*, with the concurrence of some *Borrowers*, will evade, and elude them all, by secret underhand contracts, *&c. Salmasius*, the stoutest Champion for *Usurers*, tells us, and I think, truly: [" That Fœnoration, if it be a sin, is a sin of "both parties, the Borrower as well as the Lender:] And to make out this, I have a whole *Chapter*, in a larger discourse: But I say further, See Jer. 15.

My present *undertaking* is far harder, to perswade men

men to two *paradoxal* truths. 1. That it is not only unlawful for men, that are not *Needy*, to borrow upon Usury, but to *borrow at all*, except in case of a just necessity. 2. To perswade *rich* men, that they are bound, as not to *lend* to any, but the *needy*, so to lend to the *needy* freely: and then there will be no Usury found. How hard a task I have undertaken, the success will prove. I do not determine the *Case* to other mens Consciences, but only tender this as an *Essay*, to give the learned, and studious in this Controversie an occasion to discusse the Point, to some further issue: entreating them, that if they approve hereof, they will *signifie* so much to me, or my *Stationer*, which may encourage me to publish a larger and fuller Discourse on this *intricate* Subject: if they approve not of my way, and will modestly *convince* me privately, or by publication of their Reasons, I shall either publickly acknowledge it, if I be convinced, or very *modestly* reply, to discover further the truth of the Case, if I be not convinced, Farewell.

THE

THE PREFACE.

THere hath been a question sometimes started amongst men (of no great moment, or difficulty, (I confesse) [What profession or calling of common life, was the most Ancient?] And that is easily resolved; The Gardiner in Adam himself; and then, the Husbandman, and Shepherd, in his two Sons; [Abel was a keeper of sheep, and Cain was a tiller of the ground.] The question were better put, [Which of the many professions now, is the most innocent, and freest from doing wrong?] The Solution whereof will be more difficult: for since the time that Man corrupted himself, and got too much of the Subtilty of the Serpent, all Trades, more or less, have been corrupted; and are grown, from their pristine Simplicity, to be called Mysteries; I fear too often, Mysteries of Iniquity: Even one of the most ancient, and most simple, hath long ago been complained of, as full of fraud and oppression, Amos 8.4,5,6. and more generally, Jerem. 5.26, 27. Hence are those many and difficult Cases of Conscience, discussed by Learned Men, about gain taken in Trading, and after long disputes, its left to Conscience it self, to make the Determination.

Gen. 4.2.

Determination. Amongſt other Callings, a Wiſe Man *(but not ſo wiſe as* Solomon, *whom ſome would make the* Authour *of the Book) hath given his obſervation of two, that in his experience, were too prone to offend: [A Mer-*
'chant cannot lightly keep himſelf from Wrong, *and a*
'Victualler is not free from ſin, Eccleſ. 26. 30.] *The former failing often, by* Monopolizing, Engroſſing, Fore-taking, *and making a ſcarcity, in plenty, &c. The other of falſe* Meaſures, *exceſſive* prizes, *and being partaker of other mens ſins, of* Riot, Drunkenneſſe, *and other abominations.*

Amongſt the many grievances *and complaints, in publick* Comerce, *or Trading, none is more* Ancient, *none more* difficult *to reſolve, than that of* Uſury, *the ſubject of this preſent Diſcourſe: Ancient it is, for, beſides the* Scripture, *where it was prohibited early, and yet practiſed, it was controverted amongſt the* Heathens *of old, and decryed by men of ſeverall* profeſſions, *in all ſucceeding Ages to this day,* Philoſophers, Polititians, Lawyers, Divines, *&c. The Difficulty appears, in that the* patronage *thereof, is undertaken by Learned, and ſome* pious *men: and the* Caſe *not yet decided to moſt Mens* Satisfactions.

The Cauſes *of the difficulty of Deciſion of the* Caſe *ſeem to me (after ſome tryall and obſervation) to be theſe, or ſome of theſe:* 1. *The different* Judgements *of the Learned about the Explication of the* Nature *and quality of thoſe* Original Lawes *concerning Uſury,* Exod. 22. 25. Levit. 25. 36. Deut. 23. 19. *viz. Whether they were* Morall, *and ſo concerned all Nations, or* Judiciall, *and ſo concerned onely the* Jewes: *or mixt, as partly* Morall, *and partly* Judiciall: *and ſo partly in force, and partly void.* 2. *The* New Diſtinctions *raiſed upon theſe*

Texts;

Texts; as amongst others, these, (to omit those old ones, of poore and rich: of biting, and helping Vsury) 1. Vsury by compact, and Vsury without any compact: e. gr. If a Man lend his money to a rich wealthy Merchant, upon bond, not specifying, nor requiring any use, this they hold lawfull; and this was the Judgement and Practice, (they say) of many very Learned and pious Men: wherein, I doubt, there was this double deceit; First that there was in it, mentall Vsury (which themselves condemned) appearing sometimes by this, that if a overplus of gaine was not tendred, they grumbled at it, and would presently call in their money. Secondly, that they thought it lawful to lend to Rich men, that had no need to borrow (which is the thing, I shall endeavour to confute:) for had they lent it to needy men freely, it had been truly commendable; themselves having no power to use it, and as they made show, no great need, or care to improve it. 2. They distinguished the manner of lending their money, either as Meat, and Victuals, presently eaten and consumed; Or as Merchandise to trade with: the first utterly unlawful: the second lawfull, but this also is subject to this exception, (besides others) that a poor or needy man, may borrow money as Merchandise, to keep up his Trade; and yet the Lawes, as they make no such distinction, in a poor mans borrowing, so they allow no Vsury to be taken of him, however he use it, of which more largely hereafter. 3. Another cause of the difficulty and doubtfulnesse of Vsury, was the prescription of so many Cautions, for the Lender, for the Borrower, and the manner of lending upon Vsury; which are very hard to be remembred, and will hardliest be observed by the Vsurer; if Grave, Learned, and Pious men, will but say, Vsury is in any case lawful. 4. The difficulty

is increaſed, by the Caſuiſts *propounding ſo many* Caſes *of Contracts, very like to* Uſury, *(and ſometimes as bad or worſe) and yet confeſſed lawful: The inſtances are well known to thoſe, that are verſed in this Controverſie, and largely ſpoken to elſe where. Laſtly, another Cauſe is, that Learned Men are not agreed upon the* Definition *of Uſury; ſome give one, ſome another, and each rather labouring to confute other Definitions, than able to maintain his own: as it is eaſier* to pull down *an houſe than to build it.*

And yet, notwithſtanding theſe ſeeming difficulties, *as ſome men* reſolve, *and expound the former originall Texts, the* Reſolution *of the Caſe, and the* Definition *of Uſury is eaſie to be made; For 1. Some make thoſe Laws to be* Judiciall, *and ſo to concern only the* Jewiſh *Politie:* 'and then the Definition of Uſury was this [Uſury is 'increaſe, or gain taken for lending to a Brother a 'Jew] *which is ſeemingly at leaſt confirmed by this, that* Uſury *was by God permitted to be taken of any ſtranger of other Nations. Both which if they be true, the Caſe is eaſily decided, the Judiciall Law being annulled, all* Uſury *is* lawfull, *in lending to poor or rich. So concludes the Learned* Salmaſius, *So the* Authour *of* Quæſtio quodlibetica, *and his* Publiſher, *and others, though (with their good leave I ſpeak it) they ſometimes contradict themſelves, denying it* lawful *to the poor. 2. Some again, make the Lawes (at leaſt in part)* Moral, *viz. with reſpect to the* needy, *inſtanced in all the Lawes, expreſly, or by neceſſary conſequence; and then the* Definition *is clear;* [Uſury is gain taken for lending to the 'poor] *and the Caſe eaſily determined: Uſury is unlawfully taken of the poor, but lawful when we lend to the rich. This is the ordinary* Reſolution *of the Caſe. But yet ſome*

ſcruples

ſcruples may ariſe, even in this way: both that it will be hard to reſolve who is poor, *or* rich, *becauſe, as the wiſeſt man ſayes,* [“ There is one that is poor, and maketh “ himſelf rich; and there is another that is rich, and “ makes himſelf poor,] *& alſo, becauſe in ſome caſes, they yeeld Uſury may be ſinfull, if taken of the rich, and ſometimes lawfully taken of the poor, and more, elſe where ſpecified: which may perſwade* tender conſciences *not to medle with* lending on Uſury *at all, rather than to indure the* perplexities *ariſing from it: eſpecially, there being ſo many other lawful* ways *to improve their money.*

Seeing therefore the firſt way, to take Uſury *of all, is both too looſe, and* uncharitable *and the other too* thorny *and perplexed with ſo many* diſtinctions *and* cautions: *what is to be reſolved on, in this caſe? To aſſert, that* all Uſury is unlawful, *at firſt ſight, will ſeem to rich* tradeſmen, *and well monyed man, not onely a* Paradox, *but a very* Heterodox *opinion; and as ſome have told mee, the way to deſtroy all* Merchandizing, *and Trading: for as the* Merchant (*ſay they*) *cannot traffick without borrowing upon* Uſury: *ſo nor can other* trades *goe on, or ſubſiſt, without* Selling *for day, at a dearer rate, which is, ſay ſome, to ſell that which is none of their own, viz.* Time; *and no other, no better than* Uſury: *ſome of thoſe, who are* patrons *of ſome* contracts, *eſteemed by others, to be Uſurious, do roundly aſſert* [“ That all Uſury is unlawful, but all lending for “ gain, is not Uſurious.] *But, under favour, this ſeemes a* contradiction *to the true* definition *of Uſury: for if Uſury be rightly defined* [“ a gain taken for “ lending;] *then all lending for gain is* Uſurious; *the definition, and the thing defined, being convertible, as all* Logicians *know: the truth is, as I ſaid, that the controverſie is made ſo difficult for want of an agreement*

in the definition of Usury: if that were fixed, and assented to, the business were quickly ended: now the definition must be collected, not out of private mens fancies, but out of the original texts that prohibite Usury: and it seems strange to mee, that any man rational should assert, that there is no definition of Usury given in, or to be collected out of Scripture: for then (to add no more now) how should the Jews be able to observe these laws, if they did not clearly know, what the Usury was, which was forbidden them: And besides, if these Laws were Judicial, as some, to concern onely the Jews; or moral, as others, to concern all poor onely, the definitions were easily gathered, as was said afore, and there expressed. The several definitions given by several men, are elsewhere discussed, and all, but one, discovered imperfect, and unsatisfying: the old and common definition, is that, which I think comes neerest to the truth, and Scripture-texts: [Usury is gain covenanted for lending:] and each particular ingredient is to be found there. 1. It is a gain, called in one text, increase. 2. For lending; when thou lendest. 3. Covenanted or compacted for; thou shalt not impose or lay upon him Usury: and its added, nor take it of him: which thou canst not well require, without a Covenant explicite, or implicite. If any say, your definition wants one thing expressed, or implyed in all the three texts, that is the needy, who is the borrower; I answer, its needless to add that, in the definition, which is perfect without it; as included in the word lending, which as it is an act of charity, or courtesie, supposes the borrower to be needy, and in some necessity to borrow: and consequently excludes all others from borrowing; and then, borrowing and lending being Relata, if it be unlawfull for men in no necessity, to borrow, it will prove al-

Lucrum ex mutuo pactum.

so

so unlawful to lend to such at all: and so there can be no Usury. *This indeed is the* mark *I aim at, and hope to hit: more largely discussed elsewhere: at present, to make it appear* reasonable, *and probable, I say onely thus much; that if it be lawfull to lend to the* rich, *which have no need to borrow, it seems to mee, that thereupon it will follow, that Usury for* Lending *may lawfully be taken of all, poor as well as rich, in some cases; Reasons of equity and justice will be pleaded in both; as* 1. *When the* Borrower *gets well by the money lent.* 2. *When the lender is damaged for want of his money, by Lucrum cessans, or Damnum emergens; which may happen in* lending *to the* poor *and needie; he may gain well by the money lent: and the lender may suffer, for want of his money: therefore say some,* gain *may lawfully be taken of poor & rich: on the other side, some are so charitable as to deny* Usury *to be lawfully taken of the rich, when either he gets nothing, or loses by the money lent, though it might have concern'd the* lender, *to have had his money in his own hand: others are not so mercifully minded: I forbear to say any more, having at large spoken of it, in another place: I onely desire it might be observed, that instead of the word* poor, *which in our language imports one reduced into* beggery, *I use the word* needy, *(the original word signifying one* afflicted *with any necessity,) which may extend to the* rich *sometimes, who may have just* need *to borrow,* as well, *though perhaps, not as* much, *as the poorer sort; and in such cases, I allow the both to* borrow, *and to be* lent *unto; the one in* courtesie, *the other in* charity, *but both* freely, *without any Usury.*

To make way then, for the further discovery of my judgement

judgement in the Case of Usury, *& for the discussing of the* problem *propounded in the title page; I shall lay down my thoughts in these five following* Theorems, *the first only to be discoursed of, by way of essay, at present. viz.*

"1. None may lawfully borrow, but the *Needie.*

"2. No man is *bound* to lend to any, but the "*Needie.*

"3. To the *Needie,* an able man is bound to "lend.

"4. When he lends to the *Needie,* he must lend "freely.

"5. A man is bound not to lend to such, as are "not *Needy.*

This way may seem something about, to *prove* all Usury *unlawful; but if I be not much deceived, it is the surest and neerest way to decide the controversie: If it be not, I desire, with* reason, *to be undeceived. Of the three* middlemost, *I know not, whether any can well make any doubt: the difficulty lies, in proving the first and the last; and the last by the first: And if both be sufficiently confirmed, I doubt not to make good,* [That all Usury for lending, is unlawfull;] *How I performe my* undertaking *in the first, is now to be judged, by the learned, Judicious and Conscientious* Reader, *to whom I humbly submit all my labours.*

THE

THE PROBLEM,

Whether it be lawful (and not rather ſinful) for any man to Borrow, *in no neceſſity, or meerly to* increaſe *his wealth?*

BEfore I undertake the *Diſcuſſion* of the *Problem* or Paradox, I ſhall, by way of explication, premiſe theſe three things, to prevent *exceptions* in the way.

1. That the three firſt *Laws* concerning *Uſury*, afore named, do all, either expreſſely, or implicitely, by rational conſequence, intend the *Borrower* ſhould be a *Needy* man, and ſay nothing directly (if at all any thing) of the *Rich* and wealthy; as is evident to him, that *conſults*, and ſeriouſly conſiders the texts: whereupon ſome have peremptorily concluded, that theſe texts, concern onely the *poore*, and that Uſury, was ever *lawful* to be taken of the Rich, forbidden onely to the Needy: but then it concerns them to ſhew ſome texts in Scripture, that allowed them Uſury from the Rich, or ſome inſtance there, of any that did lawfully ſo *practiſe*, which I believe they cannot do. Some have ſaid, that *Uſury* was forbidden, by a *Judicial* Law, to rich and poorer *Jews*, in the word *brother*, oppoſed to a ſtranger: which *Judicial* Law, being now void, Uſury is lawful, as well from a *rich brother*, as from a ſtranger: but both theſe and the former, do forget to take notice, that *Uſury* forbidden

1. The firſt Lawes ſpeake onely of the needy.

den to the *brother* was *Neſher*, *biting Uſury*, and ſo being oppreſſive, was forbidden both to Jew and Gentile, be they poor or rich: how ever, my aſſertion is evident, that the *Borrower* in the texts, is held forth to be a *needy* man: whence, one of theſe things will be conſequent. 1. That either it was *lawful* then to lend upon Uſury to *wealthy* men, that borrow not for *need*, but for ſome other reaſon, or end, which is both contrary to the judgement, and practice of the *Conſcientious Jews*, who lent not upon Uſury, to any of their *Brethren* poor or rich (as their *Rabbins* tel us) and alſo to reaſon it ſelf, as was hinted before; becauſe *Neſher* being oppreſſive, is unlawful to rich and poor. Or, 2. That God intended, that none but the *needy* ſhould borrow (rich or poor) and that freely without any Uſury: who are needy, comes next to be conſidered; whom we allow to borrow.

2. Neceſſity is two fold.

2. What we mean by *need*, or *neceſſity*, will appeare by way of diſtinction: there is a double neceſſity,

1. Feigned or Forced, by.

1. *Feigned* or *forced*, as made by a mans ſelfe, for ends of his owne, when he needeth not: nor God allowes. And this may ariſe from many cauſes, but all may be reduced to two heads, *Prodigality* and *Covetouſneſs*,

1. Prodigality.

1. *Prodigality*, to ſpend upon his Luſts, of ſeveral kinds, *pride* in Apparel, *vain-glory* in Houſ-keeping or Building, *Ryot*, and *Luxury*, *Intemperance*, and *Incontinencie*; *Gaming* and the like, of one of theſe (applyable to all) a wiſe man gave good counſel; "[*Become not poor by making banquets of* "*that which thou haſt borrowed* (on *Uſury*) *and ſo leave* "*nothing in thy purſe, elſe thou ſhouldſt inſidiouſly lie in wait,* "*for thine owne ſoul* (*thy life*) *Eccluſ.* 18.33.] Now all, almoſt, that underſtand *Reaſon*, or *Religion*, conſent, that it is unlawfull for ſuch, upon ſuch *ends*, to borrow, or to *lend* to ſuch. And yet theſe are *Common Uſurers* beſt *Clients*, if they have but ſufficient to Pawne or Morgage.

2. Covetouſneſs.

2. *Covetouſneſs* to advance his *eſtate*, to increaſe in wealth and riches, to load himſelfe with *thick clay*, to purchaſe *Mannors* and Lord-ſhips, &c. The Apoſtle ſpeaks of ſome, that *will be rich*, that ſet up their reſolution they will be rich any wayes, by right or wrong, &c. As theſe two vices, of *Prodigality* and *Covetouſneſs* are directly contrary, ſo I know-

no

no third *ground* of borrowing between them, except of *neceſſity*: Some have talked of *lending* upon *Uſury*, (and ſo of *borrowing*) to get to exerciſe their *charity*; by being better able to give to the poor or lend to the *Needy* freely: but they either forget, or miſconſtrue that *Proverb* of *Solomon* [*He that gathereth riches; by Uſury and increaſe, ſhall gather for him that will be merciful to the poor*, Pro. 28. 8.] He himſelf may *pretend* ſuch a thing, but hardly ever *intended* it, yet by the juſt *providence* of God, it ſhall at laſt fall into ſuch a mans hands, as ſhall be *mercifull* to the poore. And yet if *Uſury* were lawfull, this were a probable, and ſpeedy way to be *charitable*. A man of a great Eſtate, that had 1000 *li.* to ſpare to lend upon *Uſury*, might be able to give more in a yeer to relieve the *poor*, than moſt *Uſurers*, or *rich* men do in many. But I never heard an example of this *way*, and end of lending. Though perhaps, ſome might ſtrain the words of our Saviour to ſuch a ſence: "[*Thou "ſhouldſt have put thy money to the exchanger that I might "receive my own with* Uſury] But I let that paſſe: the *hinge* of the queſtion will hang upon this, the *lawfulneſſe* to borrow out of *Covetouſneſſe*, to get wealth, as ſhall appear, when we have conſidered the other kind of *Neceſſity*: which is

2. *True* and *Real*, caſt upon a man, by ſome accident, and by the *providence* of God, and his gain, may be diſtinguiſhed into *imminent*, or *permanent*.

2. True & Real, which is

1. *Imminent*, or *Occaſional*, preſent neceſſity (for I want words to expreſs this diſtinction) which ariſes from ſome ſudden *exigent*: and this ſometimes is incident to the *Rich*, and wealthy. As in the *parable* of the man, that had a friend come to him in the night: he having no bread nor proviſion at home, runnes to his neighbour, to *borrow* three loaves, till next day, when he would returne them againe with thanks: ſo in many the like caſes, a man otherwiſe *rich*, may have a *neceſſity* caſt upon him, to borrow ſome *neceſſaries*, even for his life: or *money*, (being in a ſtrange place, & his own ſpent) to carry him home, &c. But then, the thing is ſo *ſmall*, or the time ſo *ſhort*, that it may well go for a *courteſie*, ſcarcely valuable, but with the like another time.

1. Imminent or occaſional.

2. *Permanent*, or *continual*, at leaſt likely to be without ſupply, *heavy* upon the borrower; by reaſon of his poor

2. Permanent or (like to be) perpetual.

and weake eſtate. And this is the caſe of *poor* men only: & to bend to ſuch, is an act of *charity*, as to the former, an act of *Courteſie*, which is a larger *charity*. The queſtion then propounded, is not to be meant of this *latter* ſort of *Borrowers*, whom in all reaſon, we muſt allow to borrow, in their *neceſſity*: but of the former kind, which is ſometimes *feigned*, for the moſt part *forced*, by their owne luſts of *Prodigality*, and *Covetouſneſſe*, and eſpecially of this latter, that borrows meerly to *encreaſe their wealth*: which ſhall be manifeſted, when we have premiſed a third thing.

3. what is meant by borrowing to increaſe wealth

3. What we mean, by borrowing to increaſe his wealth (to prevent exceptions) for it may be ſaid; you allow a *Needy* Tradeſman to borrow, and that *freely*: but he may borrow to increaſe his (little) eſtate: which contradicts your *Problemes*. To which I anſwer; 1. It cannot properly be ſaid, ſuch a man borrows to *increaſe* his wealth; for that ſuppoſes him to have *wealth* already: but he borrows onely to be able to *manage* his Trade, that by getting ſomething by the *uſe* and imployment of the money borrowed, he may not *need* to borrow heareafter. 2. I mean it therefore of ſuch a *borrower*, as hath an *abundant*, at leaſt a *competent* eſtate already, which he is allowed to *improve* to the utmoſt, in all lawful ways, as his *entruſted Talent*: but not to *borrow*, meerly to *advance* his eſtate, no not if he can borrow *freely*, much leſs upon *Uſury*, when he hath no true, real, juſt, *need* to borrow. Having thus illuſtrated the *Problem*; I come now to indeavour the *proof* thereof, in manner following.

The Problem proved.

1. Its natural principle.

1. This ſeems a *natural notion*, common to all that go to *borrow*; they ſtill pretend *neceſſity*, true or falſe, feigned or real; or they would not borrow: I lack this or that; I have great *need*, I pray, lend me this or that, or ſo much money. And indeed *borrowing* is ſo great a trouble, that it is grown into a proverb, [“ *He that goes a borrowing, goes a ſorrowing.*”] So that he were ſcarcely *wiſe*, that would borrow, were he not forced to it, by *Neceſſity*. Hence was that Law, or *Aphoriſme* of *Plato*, written (it ſeems) by the *candle-light* of nature; “ [*No “man ought to borrow water of his neighbours well till he “hath drawn his own dry to the bottome.*”] which holds as wel, in all *commodities* elſe, of which the life of man hath need.

Selmaſ.

A great *Patron* of *Uſury*, approves of this *Rule* of *Plato*, but re-

reſtrains it too ſtrictly, t *poor* men onely. *As* if *rich* men might borrow, before they are come to the *bottom* of their eſtates, that is, before they *need*; but poor men might not: which ſeems very unreaſonable. Yea, in *reaſon*, poor men ſhould rather have this liberty, than the rich, though *Plato* allows it to neither. *Plutarch* alſo (by the ſame *twilight*) diſcerned this truth: He blamed them both, the rich and poore, for borrowing (upon Uſury) when thus he argued; "[*If* "*thou beeſt very poor, why doſt thou borrow that, which thou* "*canſt not reſtore? if rich, why doſt borrow, when thou haſt* "*of thine owne, and needſt not borrow?*] So that *Nature* it ſelfe, taught them what I affirme. And if we look back, to the *beginning* of nature, In *innocency*, as there would have been no *want*, ſo no *need* of borrowing. After the *Fall*, the firſt kind of *borrowing* was in caſe of *neceſſity* onely. No man had all, none but wanted ſomething, which another had: hence it came, that they were forced, either to *exchange* one thing for another, or to *borrow* one of another; and the requital was the *lending again*, at another time, what they had need to borrow.

2. The *principles* of *Religion*, that is, the *Scriptures*, do many wayes confirme, what I aſſert "[*that no man ought to bor-* "*row, but the needy, that is, meerely to inrich himſelfe.*] this is thus made good. 2. Its a principle of Scripture.

1. *Expreſſely*; the *Scripture* forbids running into debt, and continuing in debt, without juſt cauſe, as "[Rom. 13. 8. "*owe nothing to any man, but to love one another.*] which to me ſeemes to require, that all *civil debts*, be either wiſely *prevented*, or ſpeedily *diſcharged*: that is, that if men be out of debt, they be careful, not to come into debt: and if they be in debt, they ſhould haſten out; unleſſe *urgent* neceſſity force them thereunto: either to goe into debt, or to ſtay in debt, if able to pay it: which is the onely diſpenſation from this precept: but now I aſſume, they that *borrow* to *inrich themſelves*, when they need not, run themſelves into *debt*, without any juſt *neceſſity*, continue voluntarily in debt, when able to pay it, and ſo ſin againſt this precept. 1. Expreſſely.

2. By *Conſequence*, they forbid it often, when they forbid the very *deſire* to be rich, much more rich indeavours to ſatiſfie thoſe deſires. 2. By Conſequence.

1. From the contrary; and that two wayes. 1. From the contrary 2 wayes.

Scriptures, the word of God, require *Contentment*, with our present estate; [" 1 Tim. 6. 8. *If we have food and raiment* " (*convenient for our condition*) *let us be therewith con-* " *tent*. Heb. 13. 5. *Let your conversation be without covetous-* " *nesse, and be content with such things, as you have.*] The argument is thus framed; If we be commanded to be *contented with necessaries*, then they that desire, and seek after *Superfluities* (as, riches are) do sin: but the first is evidently true: ergo. Again, *Covetousnesse* is a sinne often decry'd in Scripture; but not to be *content* with our estate, is a fruit and hath a tang of *Covetousnesse*: for the *Apostle* would have men to be content, lest they be concluded to be *covetous*; [" *Whence it follows* (*saith* Estius) *that he, that is* " *not contented with such things as he hath, but desires and* " *seekes to bee richer* (*for he is supposed to be rich already, or* " *not to be needie*) *is guilty of Covetousnesse.*] 2. What we may not *pray* for, that we may not *desire*, or seek after: but it is not lawfull to pray for *Superfluities*: witness our Saviour himself, who teaches us to pray only for our *daily bread*, that is, only for *necessaries*. So [" Pro. 30. 8, 9. *Feed me with food con-* " *venient for me*:] Nay so far is he from praying for riches, that he deprecates riches, as well as poverty. [" *Give me neu-* " *ther riches nor poverty*:] for reasons there given, and made use of, by and by.

2. From the causes of it. 1. Discontent.

2. From the *causes*, that set men on borrowing, to this end, *to be rich*: and they are one of these, 1. *Discontentednesse* with their condition: this is intimated in the former Scriptures, that require *Contentment*. Men are not contented to be men of *meane rank*, but they will be rich, that they may be *honoured*, that they may live in *pleasures*, and worldly delights; which their present estate will not procure them. 2. *Covetousnesse*, which is discovered, 1. by the *will* to be rich. 1 Tim. 6. 9. called the *love of money*, the root of all evill; even of *prodigality* it self; sometimes the same man that is *prodigall*, may be covetous also: he covets to have abundance, which he may *prodigally* spend upon his lusts: he spares where he should spend, that he may spend, where he should spare. 2. By *Hasting* to be rich. [" Prov. 23. 4. *Labour not to be rich*; *cease* " *from thine own Wisdom.*] These think themselves to be *Wise* men; and if they had but money, they could easily, and speedily be rich: this puts them upon borrowing, what they want,

3. Covetousnesse appearing, 1. By desire to be rich.

2. By hasting to be rich.

want, to get, what they so earnestly desire; So [Prov. 28. 22. *He that hath an evill eye, hasteth to be rich; or he that hasteth to be rich hath an evill eye.*] that is, a *covetous* eye, which is called, the *lust of the eyes*: for a man may commit, or act *covetousness* (as well as *adultery*) with his eye: But what follows in the place? [*He considereth not, that poverty shall come upon him.*] God commonly *crossing*, if not *cursing* such *Covetous* (indeed *Idolatrous*) desires, of such as set up *Mammon* for their God.

3. From the *Ends* of such unnecessary Borrowing: which are specified above, to be one of these two. 1. *Prodigality* to spend upon their lusts, of severall kinds; *Pride*, *Vain-glory*, *Riot*, *Gaming*, *&c.* 2. *Covetousnesse* to advance an Estate, to make themselves and their posterity great, by great Trading, Purchasing, &c. To borrow to spend it *prodigally*, will not be defended (I think) by any Patron: The other of growing great, *&c.* is *clothed* with better garments, cloaked by other names of good *Husbandry*, *Diligence*, *Activenesse* in a calling, &c. Some men, (they say) have more *nimble fancies*, more *Active Spirits*, more able to manage a bigger *stock*, to drive a greater trade, to improve five *Talents* better, than others can two. But what are their *ends* and intentions? are they not to grow rich *hastily?* and that with *undermining*, if not the *undoing* of others, of their own profession: Yea, of other *professions* also sometimes, by dealing in, and medling with more *callings* than one. 3. From the ends of such unnecessary Borrowing.

4. From the many *evill effects*, and mischiefes, that attend upon such *unnecessary* Borrowing, for this end to become *Rich*: whereof these are some: 4. From the evil effects,

1. Upon *Himself*, in his own personal condition: and they these two: 1. A *Curse*, by borrowing when he needs not; It is so threatned, *Deut.* 28 44. to *borrow*, as contrarily, promised as a *Blessing*, to be able to lend. If any shall say (as some do say) To borrow for *need*, is indeed a curse, but not to borrow when he hath no need: I answer (besides that this beggs the question now before us, that it is lawful to borrow without any need) it seemes strange to me, that a man should be able, by his *own Wit* and Wisdom, to turn a *Curse* into a Blessing: or rather turn a *Blessing* into a Curse: that is, that when he needs not borrow, but is able to lend, which is a Blessing, 1. Upon himself. 1. A Curse.

ſing, he ſhould run himſelf into a Curſe (as the conſequent *miſchiefs* will evince) to borrow when he needeth not. 2. Another *miſchief* is, that being *free*, by borrowing when he needs not, he runs himſelf into *Slavery*: which is a miſery ſufficient, as *Liberty* and *Freedom* is a ſpecial mercy: and we ought to ſtand faſt, in the Libertie, which God hath given us; (as the Apoſtle in another caſe.) Now *Solomon* tells us, "[Prov.22.7. *The borrower is ſervant to the lender.*] He is indeed his *ſlave*, whom he keeps in *bonds*, and fetters of *bills* and *obligations*, &c. and upon all occaſions, though he be his far *Inferiour*, is ready to *Lord* it over him, and for non-paiment, at his day, to lay him up in priſon. So that (as one ſayes) "[*Such a man hath ſo many cruel Lords and Maſters, as he "hath Creditors: And this may teach us (ſaith he) not haſtily "to caſt our ſelves into debt, though we need much more, if we "need not.*] 3. To run voluntarily into debt, when there is no need, fills the head and heart with *cares*, or *ſcares*, or *griefs*, and many perplexities; which as *thornes*, do prick and torment "the ſoul. ["1 Tim.6.9,10. *They that will be rich, fall into "ſnares, and pierce themſelves thorow with many ſorrows.*] And were not he a mad man, that when he might lie upon a *Down-bed*, would willingly caſt himſelf into a *thicket* of thornes to ſleep upon? *Debt* (at leaſt to an honeſt man) breaks his *ſleep*, diſtaſts his *food*, diſtempers his *heart* and affections, &c.

2. Slavery.

Cartwright in locum.

2. But he proves as injurious, to his *eſtate* and poſterity: "It's obſervable, what the *wiſeſt* of men ſaies, ["Prov.20.21. "*An inheritance may be gotten haſtily at the firſt, but the end thereof ſhall not be bleſſed.*] Thoſe great *Dealers*, & borrowers in the world; either they *thrive* not at all, God croſſing them for their *Diſcontent*, and worldly mindedneſſe; or if they do, yet either they live, to ſee it all *waſted*; or in a generation or two, the world may ſee it all *diſperſed*; and their poſterity reduced again to their *Parents* firſt condition, and well if not to a worſe.

2. Upon his Eſtate and poſterity.

3. Upon his owne ſoul expoſing it.

1. To temptations.

3. The worſt of all is, that ſuch Borrowers, are too often injurious to their own ſouls, expoſing themſelves needleſſly both to temptations and ſins. 1. To temptations; ſo the Apoſtle expreſly, ["1 Tim. 6. 9. *They that will be rich, "fall into tentation:*] and that two ways, firſt, *paſſively* to be tempted by riches; either get to them ill, or ſpend them ill,

or

or keep them ill: which is to croſs their daily prayer, [*lead us not into temptation*;] and theſe lead themſelves into temptation. Secondly, *actively* by tempting God, having no permiſſion of ſuch deſires and endeavours to be rich, nor promiſe of a bleſſing: This is to tempt and try God, whether he will proſper ſuch endeavours or no: Suppoſe he do ſucceed them, yet having no promiſe, there can be no ſolid comfort in them: If he croſſes them in theſe undertakings, (as oft he does) how are they expoſed to other temptations, to uſe ſhifts and frauds, to deceive their Creditors, *&c.* But

2. They expoſe themſelves to many ſins; [“*They that will* ſins.
“*be rich, fall into a ſnare alſo, and into many fooliſh and hurt-*
“*ful luſts, which drown'd men in deſtruction, and perdition.*]
In general, the ſame *Wiſe* man tels us, [“*He that maketh*
“*haſte to be rich, ſhall not be innocent*, Prov. 28. 20.] This is
illuſtrated by the contrary, [“*A faithful man ſhall abound with*
“*bleſſings. A faithful man* (whether he mean one, that hath
faith to truſt God, which is oppoſed to making *haſte* to be
rich, as the Prophet, [*He that believeth, maketh not haſte*,
Iſa. 28, 16.] or a man of *faithfulneſſes*, as the Original hath
it; one that is *true* in his words, and *plain, juſt*, faithful in
his dealings; which way, the world thinks, either none, or
about, and too long, to get riches) ſuch a man going *ſlowly*,
ſhall *abound with bleſſings*: intimating, that a man that makes
haſte to be rich, (as ſuch *Borrowers* do) is a man that [“*truſts*
“*not on the Lord, but leans on his own wiſdom*, Prov. 3. 5.] and
is too often, *falſe* in his words and promiſes, and *fraudulent*
in his deeds; ſubject to *lying*, defrauding, oppreſſion, *&c.*
which are (as he thinks) the *ſhorteſt*, and neereſt way to ſatisfie his *haſty* deſires to be rich: but more often prove the
furtheſt way about, and expoſe him to the *curſes* of God.
And upon this conſideration, it is obſerved by one: That Salmaſ.
the *Perſians* of old, did utterly diſlike borrowing (upon Uſury) becauſe *Borrowers* are very prone to *lie*, deceive and be
unthankful: In a word, *Haſty deſires*, and endeavours to be
rich (whereof great *borrowing* without need, is a *Symptom*)
expoſes a man to ſins of all kinds of *Omiſſion*, multitude of
buſineſſes cauſing him to neglect holy *ſervices* in private or
publick, and of *Commiſſion*; as lying, *fraud*, oppreſſion)
pride, and noyſome luſts: Therefore *Agur* deprecated Riches,

[“*Give*

2. To many

[" *Give me not riches, left I be full and deny thee*, &c. Pro. 30. 9.] These at present eat out the *heart* and vitals of *Religion*, and the power of Godlineſs, and at laſt, drown too many in *perdition* and deſtruction, 1 *Tim.* 6. 10. Riches, at which they aim, are well compared to *thornes*, not onely becauſe they *pierce* the ſoul, with *cares*, *fears*, *&c.* but alſo becauſe they *choak* the Word, and make it unfruitful. Mark your great *Dealers* in the world, either they have no *Religion*, or if any, it is *eaten up* and withered, by worldly-mindedneſs; that therefore which is the root that bears ſuch *gall* and *wormwood*, cannot be good.

5. We may argue *à pari*, from the like: It is not lawful to *beg* without urgent, *real neceſſity*, therefore nor to *borrow*: The reaſon is, becauſe they are both alike *objects* of *charity*, allowed only in caſes of ſuch *neceſſity*. As then it is unlawful for a *rich* man, that needs not, to *beg*; ſo for a man that *needs* not, to borrow. *Borrowing* and *begging*, (and ſo lending and giving) are commonly joyn'd together in Scripture; [" Deut. 15. 8, 9 Mat. 5. 42. *Give to him that asketh, and from* " *him that would borrow of thee, turn not thou away.*] Hence it was obſerved afore, that the texts which ſpeak of borrowing (and forbid Uſury) *Exod.* 22. 25. *Levit.* 25. 37. *Deut.* 23. 19. apply *lending*, only to *needy* borrowers. [" *My people, that is poor*; " *waxen poor, whoſe hand ſhakes, that borrows victuals.*] The argument from all this, ſhall cloſe up this diſcourſe, when an objection is removed, which is this, *Uſury* in all the texts, (in your own aſſertion and confeſſion) is prohibited to be taken only of the *poor* and *needy*; and conſequently *lawful* of the rich; and then the rich may *borrow*, that need not: I anſwer, 1. By denying the conſequence; by a like *inference*, Oppreſſion is forbidden towards the poor and ſtranger, *Exod.* 22. 21. will it follow hence, that its lawful to *oppreſs* the rich, or a neighbour? 2. All *Uſury* being *Neſher*, biting and oppreſſive, it is here intended to be forbidden to the rich, though chiefly to the *poor*, who moſt need to borrow. 3. If a *rich* man fall (as he may) into a preſent *urgent need*, he alſo falls under the *Law*, as at this time, and in this caſe, a needy man, and ſo is byme *allowed* to borrow, but ſtill *freely*.

5. A pari from the like.

6. Laſtly, we diſputa *à Teſtimonio*, the aſſertions of the *Patrones* of Uſury, hear how neer they come, to affirme our *Paradox*,

6. A Teſtimonio

dew, That *neceſſity* is the only true ground of borrowing.

1. *Salmaſius* himſelf, the greateſt and ſtrongeſt *Advocate* for *Uſury*, ſaith thus, [" *In* Judæa, *where was neither Merchandize,* " *nor Money, nor was there any great Wealth or Ryot, by means* " *thereof, only poor men did need to borrow: but that they ſhould be* " *oppreſſed, eſpecially of their own brethren, ſeemed hard to the* " *Law-giver.*]

2. The Author of a *Tract*, called *Queſt. Quodlibetica*, &c. pag. 8. [" *The borrowing of ſuch Indigent perſons, as are ſpoken of in the* " *Law, being of things of ſo ſmall value (that the uſe of them for a* " *ſmall ſeaſon, was ſcarcely valuable) might be a great reaſon, of* " *the prohibition of* Uſury.] And pag. 28. [" *I acknowledge (ſaith* " *he) the word* Neſher, *might well denote ſome malignant quality* " *in Uſury, becauſe the firſt kind of borrowing in the world, was in* " *caſe only of neceſſity: and to ask an overplus in ſuch a caſe, was* " *a ſin, that well deſerved the worſt name.*] And yet, both *Salmaſius*, and *himſelf* do plead ſtrongly, that *Uſury* now is lawfully taken of the *poor*; if at leaſt, we relieve him ſome other way: which I leave to the Readers conſideration: And propound the Argument.

[" *If none but the really needie (as afore explained) may borrow,* " *and when they borrow muſt be lent unto, freely; then all Uſury* " *is unlawful.*] The *Antecedent* is proved above, in both the *parts* of it, from the three *Original Texts*, & from light of nature, and *Scripture* reaſon. The *Conſequence*, is thus made good; If *wealthy* men, that *need* not, may not borrow at all, either to ſpend it *prodigally*, or to uſe it *covetouſly*, to increaſe their *wealth*, then none may lend to ſuch, and conſequently not upon Uſury, and ſo all *Uſury* is unlawful, taken of rich or poor. This *Conſequence*, that none may lawfully lend to ſuch, is my fift *Theorem*, which waits its time of further confirmation.

Some ANIMADVERSIONS upon the Reſolution of the Caſe of *Uſury*, by a Reverend and very Learned Dr. *D. H. Decad.* 1. *Caſe* 1.

" *Whether it be lawfull, to raiſe any profit, by the loan of Money?*

HAving given forth the former *Eſſay*, upon the main queſtion, which if it be ſtrongly *bottomed*, may of it ſelfe, put an end to the preſent *Controverſie*: yet it ſhall not be amiſſe, to manifeſt the *ſtrength*, or weakneſs, of ſome of the Arguments, and

distinctions, brought by some very learned men, for the *Allowance* of some kind of *Usury*: And amongst many *Patrons* thereof, I have made choice of one, who, as he appears *latest* in publique, and so may be thought, to bring the *strength* of all the former: So he was well known, to be a man, of no lesse *piety*, than *learning*; and by his *Age*, and *Gravity* believed to be of a *Mature* and Solid Judgement; fit to make a *Casuist*, on whose *Resolutions* of Cases in matters of *Conscience*, men that were *Scrupulous*, might more safely rest and rely. Upon which considerations, I was very *eager* to read his *Determination* upon the Case in hand; here (if any where) expecting that *Satisfaction*, which (under favour be it spoken) upon search I have not found; but by want thereof, am rather confirmed in my own *opinion*, as I fear, others are in their *practice* of Usury: Some things I shall say in general, to his Resolution. 1. That I find not in it, any *Definition* of Usury (wherein others also are defective) which had it been done, it might have been more *easie*, both for him to *Resolve* the Case, and for others to *judge* of his Resolution. 2. That he is *inconstant*, in his assertions; and sometimes *contradictorius* to himself, implicitely, if not expressely and directly. 3. That yet this must be said for the *Honour* of the *Reverend Doctor*, that he, though he seem to allow, in some cases, *profit*, for the *loane* of money, yet makes *all Usury*, properly so called, especially taken of the *poor* and *needy*, to be unlawfull: whereas some of late, make all to be *lawful*, taken of poor or rich.

To the *Decision* of the question, he proceeds warily, by *distinction* of circumstances, (which some others have altogether neglected) before he make his determination of the *Case*, as thus.

" [*First*, Who it is that borrows? *A poor neighbour that is con-*
" *strained out of need: or a Merchant, that takes up money for a free*
" *Trade, for the inriching of himself: or a rich man, that lays it out*
" *upon superfluous occasions. From the first, you must not expect any*
" *profit, for the loane: but for the other, the case is different. For*
" *God hath not commanded you* [*to love me*] *more than your*
" *self: and there can be no reason, why you should vaile your own just*
" *advantage, to another mans excess.*] Where 1. It is observable, that the Doctor hath made a right and full *enumeration* of Borrowers. 1. Poor and needy. 2. Such as borrow to *inrich themselves*, the rich *Merchant*, (that is, the *covetous*.) 3. *Prodigals* that borrow to spend it on their excessive *lusts*, and superfluities. 2. But herein he yeelds, I think, too much; that the *Merchant* borrowing to *inrich* himself, or the *prodigal* to spend it on *superfluities*

ſluities, may *borrow*, and be *lent* unto; who have (I yet believe) no *right* to borrow, nor can be *lent* unto, without being *accеſſary* to their ſins. The latter, "[*To lend to a* prodigall, *to promote his* "*wanton luſts, and ſuperfluous expences*] is by all ſober men granted to be ſinfull. The former is as truly *ſinfull*, though not ſo eaſily granted, or proved to be ſuch: Yet to borrow (for no *need*) meerly to *inrich* himſelf, ſeems to be a *ſprig* of that root of all evill, *Covetouſneſſe*, ſo much decryed in Scripture; which if it be ſinfull in the *Borrower*, cannot but be ſo in the *Lender*, who waters that curſed *root* by lending his money: Now if theſe two ſorts may not borrow, it remains to aſſert, that none but the *Needy*, may borrow, or be lent unto; and then no *profit* for the *loane* of money, being lawful to be taken of him, all *Uſury* for lending, is unlawful. 3. His reaſons are in themſelves good and true, but if applyed to the caſe, they *beg* the queſtion, That it is lawful to *lend*, to ſuch, or for ſuch, as the two laſt ſorts, to *borrow*. True it is, God hath not commanded men to love another better than themſelves, nor yet to vail their own advantage to anothers exceſs: But ſuppoſe the *Merchant* borrow, not to uſe it to exceſſe, but to get gain, to inrich himſelf, and to ſatisfie his *luſt of the eyes* which is covetouſneſs, the queſtion is, whether ſuch may borrow, which this reaſon ſuppoſes to be granted. On the other ſide, I am not to vail my own juſt advantage to anothers exceſs; but ſuppoſe I cannot uſe it at my own advantage (the *Patrons* of Uſury, allow only ſuch to lend upon Uſury, Orphans, Widows, *&c.*) is it lawfull then to lend it upon Uſury, to ſuch as will uſe it to exceſs? this is taken for granted alſo. In a word, ſuppoſe I can improve it, (which the Dr. *ſuppoſes* I can) is it *neceſſary* for me, or lawful, to lend it to one that is *prodigall*, that will uſe it to exceſs? If not, then I ought not to lend it to another, that will ſo uſe it: If ſo, then I ſay again, he *begs* the queſtion, for I ought to uſe, and improve it my ſelf, and not to lend it to one that will ſo abuſe it, to exceſſe, nor (I think) to one that *needs* it not, but to *increaſe* his own wealth. 4. I think, there is no *Uſurer*, but will go away ſatisfied with theſe grants, from the pen of ſo *grave, learned, pious a Divine*: and think himſelf wiſe enough now, to *juſtifie* the worſt of his *Uſury*. For as he will think no man *poor*, that is able to give him good *ſecurity* for his money: So he is willing, and deſirous to deal with none, but "[*the rich Merchant,* "*that takes up money for a free Trade, for the inriching of himſelfe,* "*or the prodigall perſon, that layes it out upon exceſs, and ſuperflu-*

" *ous occasions*] from whom the Dr. more than seems, for good reasons, to allow him Usury, yet not without some other *Cautions*.

" [Secondly, *Upon what termes do you lend? Upon an absolute* " *compact, for certain increase (what ever become of the principall)* " *or upon a friendly trust to a voluntary satisfaction, according to* " *the improvement of the money? The former is not safe, if benefit* " *be disappointed, and rigorously to require profit in that case, is ma-* " *nifest oppression. The other is lawfull, being nothing but gratitude,* " *which with the conscionable, is a bond no lesse strong, than that of* " *law, and justice.*] To which, it may be returned, 1. The *compact*, is a part of the *Definition* of Usury, *Lucrum ex mutuo pactum*: So that if there be no *compact*, expreis or implicite, it is not *Usury*, which cannot be required, (nor need to be paid) without a *compact*: and it is *absolute*, among *Usurers*, what ever become of the *principall*. 2. *Gratitude* is one thing, *Usury* another: Even the poorest borrower, *gain* or gain not, is bound to be *thankefull*, yet to take *profit* of him, for the *loane* of money, is already judged to be unlawful. 3. This also supposes, what is *denyed*, that it is lawfull for such as borrow for no *need*, but to the *ill ends* afore, to borrow, and to be *lent* unto. 4. We shall finde hereafter, that the Dr. allows an *absolute compact*, of certain gain, in some cases, and so, I think, differs from himselfe. But I go on.

" [Thirdly, *If upon an absolute compact, is it upon a certainty,* " *or an adventure? for where you are willing to hazard the princi-* " *pall, there can be no reason, but you should take part of the advan-* " *tage.*] But besides that I understand not, how an *absolute compact*, can be upon an *Adventure*; this varies the question, from *loan* or lending, or *partnership*, and so is not to the case of *Usury*: for in *partnership* a man must be content to bear a part in the *losse*, as well as in the *advantage*: and if a man resolve to do so, there is no reason but he should take *part* of the profit.

" [Fourthly, *Where the Trade is ordinarily certain, there are* " *yet further considerations to be had.* 1. *That the value of money is* " *arbitrable, in severall places.* 2. *What ever is saleable, is capable* " *of profit, in the loan of it, as an horse or an oxe may be let.* 3. *Mo-* " *ney is not only the price of other commodities, but it selfe in some ca-* " *ses is a trafficqueable commodity; the price whereof rises and falls,* " *in severall Countreys, and money thus considered, may be bought &* " *sold, and improved to a just profit.*] To which it may briefly be said, 1. Where money is a *trafficqueable* commodity, yet there is comonly a *State-probibition*, to transport money to a place where

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it is dearer prized, and so it's unlawful to raise any *profit* by it, that way. 2. From the 2d consideration, we may reasonably conclude against *lending* of *money* upon Usury: Whatsoever commodity is not *saleable*, is not *capable* of profit, in the *loan* of it: But *money*, as it is the price of other commodities, is not *saleable*. Ergo. The instances by him given, of an *horse*, or *ox*, are *heterogeneous*; for they are capable of more contracts, *lending*, *letting*, *selling*, as things, not spent in the use; but *money*, being only the price of other commodities, is spent in the use, and so cannot, or should not be *sold*, or *let*: At least, that's the question, of which in the next: but I adde, 3. If money as *Merchandize*, may be *bought* and *sold*, that's nothing to the *Case* in hand, which is in *lending*, where not the *money* it selfe, but the use of the money (if any thing) is sold, and bought. To which he speaks in the next.

"[*The main doubt is, whether money meerly considered, as the price* "*of all other commodities, may be let forth to profit, and a warran-*"*table increase: For the resolving whereof, be it determined, That all* "*Usury, which is an absolute contract, for the meer loan of money,* "*is unlawful, by all kind of laws, both divine, and humane.*] This alone were a full *Resolution* of the Case, and utterly destroys the *Usurers* Trade; for as he lends his *money*, meerly as the price of other things (not as a *Merchandize* improveable elswhere) so, his *contract* is absolute, for the *meer loan* of money, (whatever become of the principal) and for nothing else in him the *Lender*; whether the *Borrower* be rich or poor, gain or lose. His Reasons are very considerable to this purpose, and weighty. ["1. *Nature* "*teaches us, that metals are not a thing capable of superfetation.* "2. *that no man ought to set a price, on that which is none of his own* "*Time.* 3. *That the use of the stock, once received, is not the Lenders,* "*but the Borrowers: the power and right of disposing the principal,* "*is, by contract, transferred to him that receives it. So that he that* "*takes the Interest, by vertue of such transaction, doth but in a man-*"*nerly, and legal fashion, rob the Borrower.*] This witness is full, and the reasons strong, against *all Usury* whatever, of any persons whatever, rich or poor. For 1. *money* does not *breed* mony, more to a *rich* man, than to a poor man. 2. *Time* cannot be prized, more to one, than to another. 3. The *use* of it, once received, is the Borrowers, rich, as well as poor; the power and right of disposing the *principal*, being equally transferred to both. Let the conclusion then be added; He that takes Interest, by vertue of such *transaction*, doth but in a mannerly and legal fashion, rob the Borrowers.

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How this is reconcileable with what was said in the first Paragraph, I cannot imagine: or with that which now follows.

Thus he saith, [" *However it is unlawful to covenant for a certain profit, for the meer loan of mony: yet there may be, and are circumstances appending to the loan, which may admit some benefit to the Lender, to be lawfully made, for the use of his mony, especially these two. 1. The loss that he sustains. And 2. the gain that he misses, by the want of the sum lent: for what reason, that to pleasure another man, I should hurt my self? that I should inrich another by my own loss?*] To which divers things may be said; for besides that this *interferes*, with the last recited assertions, and with those three Arguments, strong against all Usury; I add: 1. *Lending* being an act (not of *justice*, but) of *charity*, the Lender is not to respect his own *loss* or *gain* he might have made, but the good and *profit* of the Borrower, even sometimes with the loss of his principal: [" *lend looking for nothing again*] 2. By this way, Usury is lawfully taken, of the *poorest* Borrower; for I may sustain loss, or miss some gain, I might have made for want of my money lent him. 3. It may also be lawful to *Covenant* for gain, for the *meer loan* of the mony; for from the first day of lending my money, I may meet with some *loss*, or miss some *gain*, for want of my money: yea, supposing (as he does) that the Lender is one, that at the very time of *lending*, could improve it to his own *advantage*; *Usury*, or (as he calls it) *Interest* may be ever lawful, and lawfully covenanted for; and that absolutely: for so he saith, [" *If there be a true danger of loss, to me imminent, when the transaction is made, nothing hinders, but that I may by compact, make sure such a sum, as may be sufficient for my indemnity or gain, I for go, &c.*] p. 10, 11. and more to the same purpose: Thus now, all *Usury*, is nothing but *Interest*: whereas *Interest* had wont to be taken in this sense, when for *delay*, after the appointed day of payment, the *Lender* suffered loss, or missed gain (having lent it *freely*) but now, *Interest*, and so *Usury* may be *due* from the very day of lending; when the Lender foresees a danger of loss, or forgoes a present profit: and that *Usury* may be covenanted for, with any Lender, poor or rich, though he perhaps makes none or little *gain* of the money; yea, loses of the *principal*, upon this Argument, [" *What reason, that to pleasure another man, I should hurt my self?*] And what would any *common Usurer* desire more? so that instead of *confuting* him, he hath *confirm'd* him more in his Practice and Trade. And this is

the issue of all the *distinctions*, and *cautions* multiplied by the *Patrons* of Usury; nor can it be avoided, but in their way. (bringing the Case to the bar of *corrupted Reason*) *Usury* may be just & lawful to be taken of all, *poor* as well as rich, at least in some cases, if there were no *divine Law* against it. How to prevent this *mischief*, I find no way, but only what I have propounded, that if none but the *needy* may borrow, or be lent to, then all *Usury* for lending will prove *unlawful*, for when it is granted, (as it is by this learned Dr.) that rich and *wealthy* men may borrow and be lent unto, (whether *prodigal* or *covetous*) there is a wide door opened for Usury: because of the reasons pleaded afore. 1. What reason is there, that to pleasure another, I should hurt my self? 2. That I should inrich another, by my own loss, when I could otherwise improve it? How to answer these, I know not; but by saying, In such a case, where the *Borrower* hath no *need* to borrow, but either to waste it *prodigally*, or to increase it *covetously*, and I can improve it to my own advantage, I am not bound to lend him my money, yea (I think) bound *not to lend* him; but *charity* bids me improve it my self; if I cannot improve it my self, yet I am *bound* not to lend it to such *Borrowers*, but to imploy it some other way, more safe and secure, without so many perplexities and scruples, as attend upon *lending upon Usury*.

This is the substance of his *Resolution* of the Case, there are some other things of lesser concernment observable. First he says, p. 13. [" *Charitie will teach you, that every increase by loan of mony,* " *is not Usurary.* But had he defined *Usury*, he would have found, this teaching to be erroneous: For if *Usury* be gain covenanted for lending of money, then *gain* or increase for lending of money is *Usurary*: the definition and the thing defined being convertible, as he well knew. And Usury thus defined, is rationally condemned by himself, by three strong Arguments.

Secondly, Saith he, [" *If you can find out a way by loan or sale, to* " *advance your stock, that may be free from all oppression and extor-* Pag. 6. " *tion, and beneficial as well to others as your self, you need not fear to* " *walk in it, with all honest security.* In answer to this, I shall say, 1. In way of *sale*, it may be possible to find out such a way; but in way of *loan* of money, it will be very hard, if not impossible, to meet with such a way, as is free from all *oppression*; if either his *Assertion*, or his *Arguments* be of any strength: unless by *lending* freely, to the *needie* only, which may expect a blessing from God: which only makes a man *innocently*, and *comfortably* rich: And

there.

therefore there can be little *security*, in walking in such a way, especially there being so many *scruples* to be answered, and so many *cautions* to be observed, & as he saith, ["*our hearts being too* "*apt to beguile us in misapplications; and rather to draw the Rule* "*to us, than our selves to the Rule.*] Better therefore it were, and safer, to improve their *stocks*, any other lawful way, (as he supposes they can) than to lend to such as *need* not, to entangle themselves, with so many *scruples* and cautions, and to make themselves *accessary* to other mens sins, which they can very hardly, if at all avoid, by lending promiscuously unto all. 2. Because its usual with the *Advocats* of Usury, to put *stumbling cases*, that are very like to *Usury*, and yet free (seemingly) from all oppression, *beneficial* as well to others, as the *Lender*, and Borrower, I shall put the next *undertaker* a case, which (I have heard) is ordinary in *London*. A poor *Fisher-woman*, or Herb-woman, comes to a *Broking Usurer*, and borrows 5*s.* to trade with, for that week, leaving a sufficient *pawn*, to return it, with a *peny* in the shilling, for the use of it. The woman trades with it, and turns her *stock*, 4 or 5 times in the week, with gain every return, with which she *maintains* her self and her family: at the weeks end, she pays 5*d.* with, and for the use of her 5*s.* and receives her *pawn*, and the next week does the like. Now, I ask, what iniquity or oppression, is there in this *contract* of lending? The *Borrower* gets well; the *Buyers* of her commodities, have no wrong, but rather gain; for they are eased, by the womans fetching the fish from *Billingsgate*, and bringing it, to the remotest part of the City to their doors, which may justly require consideration; for the womans *labour* and pains: The *Lender* gains enough, if not too much, for after the rate of a peny in the shilling for a week, he gains but after 400*l.* for an 100*l.* so put out, for a yeer: If then where there is no *violation* of *Justice* or *Charity* (as here seems none) Usury be lawful, why not this? I leave it to Resolution.

Lastly, He laments ["*the ignorance of some, whose zeal cries* "*down Usury as most hateful, but make no bones of actions no less* "*biting and oppressive, not caring how dear they sell; as how high* "*rates they Let their Lands, &c. not considering, that there is no* "*less, nor less odious Usury in Selling, and Letting than in Lend-* "*ing.*] To which I say in a word. There may be as great, and odious *oppression* in *Selling*, and Letting; but there is no *Usury* to be found there, which is only committed in lending of money and things of the like nature, as the *Definition* does import.

FINIS.